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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,590

02/17/2004

Bo Su Chen

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EXAMINER

RODRIGUEZ, ARMANDO

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,590

Applicant(s)

CHEN ET AL.

Examiner

ARMANDO RODRIGUEZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

Claims 1-41 are pending.

The rejection of claims 1-21 is withdrawn based on applicant's amendment of independent claims 1 and 5, filed on February 3, 2006.

Response to Arguments

Applicant's arguments, see page 11 and 12, filed February 3, 2006, with respect to the rejection(s) of claim(s) 1-21 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Uehara, Kunio (JP 63089925).

Applicant's arguments filed February 3, 2006, with respect to claims 22-39 have been fully considered but they are not persuasive.

Regarding applicant's arguments on page 13 pertaining to independent claim 22, applicant's attention is directed to column 7 line 65 to column 8 line 2, where figure 5 is described as having beam 200, which impinges upon the reflective strip (112) located on the front surface (110) of lens (100) and is thereby blocked from entering the lens (100). Therefore, the beam is reflected before entering the lens, as such the rejection will be maintained.

Regarding applicant's arguments on page 13 pertaining to independent claim 35, applicant's attention is directed to column 7 line 65 to column 8 line 2, where figure 5 is described as having beam 200, which impinges upon the reflective strip (112) located

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on the front surface (110) of lens (100) and is thereby blocked from entering the lens (100). Therefore, the beam is reflected away from the lens, as such the rejection will be maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 13-17, 19-22, 28, 29, 30, 34, 35, 38, 40, 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Uehara, Kunio (JP 63089925).

Regarding claims 1, 5, 15, 22, 35, 40,

Figures 1 and 5 illustrate a light emitting module having a light source (21), a lens (11) the lens having a reflective surface (112), a non-reflective surface and a photodetector (41) which faces the lens for receiving a portion of the reflected light beam. (see abstract).

The method of claims 35 and 38 are anticipated in light of figures 1 and 5.

Regarding claim 2,

The abstract describes performing automatic power control [applicant's controller].

Regarding claims 3, 41

Figures 1 and 2 illustrate the reflective surface on the input surface.

Regarding claim 4,

The abstract discloses the reflective surface being either planar or concave.

Regarding claim 6, 28,

Figures 1 and 5 illustrate a lens having a reflective being either planar or concave, which is considered aspheric.

Regarding claim 7,

It is inherent for the light beam to have an illumination pattern on the lens.

Regarding claim 8,

Figures 1 and 2 illustrate the light beam reflected onto the photodetector.

Regarding claim 9, 34

Figures 1 and 5 illustrate the reflective surface, which resembles a rectangular shape.

Regarding claims 13, 14, 29, 30,

The abstract describes the reflective surface (112) as including a thin metal film [applicant's coating].

Regarding claim 16,

Figures 1 and 2 illustrates the light emitting including an optical fiber (32).

Regarding claims 17, 24, 25,

Figures 1 and 2 illustrate the reflective surface covering less than 25% of the lens, which implies the reflective surface will reflect less than 25% of the light beam.

Regarding claim 19,

The abstract discloses the use of a light emitting diode.

Regarding claim 20,

The abstract discloses the use of a photodiode.

Regarding claim 21,

It is inherent for the light source to have a numerical aperture and figures 1 and 2 illustrate reflecting a portion [applicant's percent].

Regarding claim 37,

Figures 1 and 5 illustrate a lens having convex and planar surfaces, where a reflective is disposed on the planar surface (see abstract).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22, 23, 26, 27, 35, 36, 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Kerschner (6,639,203).

Claim 22, figure 5 discloses a transmissive part (170) for passing a portion of an incident light beam, and a reflective part (112) for reflecting a portion of the incident light beam that is substantially non-transmissive.

Claim 23, figure 5 discloses a lens with a first lens surface (left side) and an opposing second lens surface (right side) where the reflective pad (112) covers less than half of the surface area of the first lens surface.

Claim 26, the reflective part (112) disclosed in figure 5 is integral with the lens.

Claim 27, the reflective part (112) disclosed in figure 5 is concave, and a portion

of the transmissive part on the output surface is convex.

Claim 35, figure 5 discloses providing a lens (170) that has a first major Surface (left surface) and a second major surface (right surface), and coating less than all of the first major surface with a reflective coating (112).

Claim 36, the reflective coating (112) disclosed in figure 5 is substantially non-transmissive.

Claim 39, the reflective coating (112) disclosed in figure 5 is deposited.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11, 12, 31, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara, Kunio (JP 63089925).

Regarding claims 10, 11, 12, 31, 32, 33,

Uehara, Kunio illustrates the shape of the lens to resemble a rectangular or square shape but is silent as to the shape being circular, oval or annular.

In accordance with MPEP 2144.04 B. Changes in Shape

In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) (The court held that the

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configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.).

In the present application having different geometrical shapes of the reflective surface is considered a matter of choice because regardless of the shape of the reflective surface the final function of the reflective surface is to reflect the incident light beam, as illustrated in figures 1 and 5 of the cited prior art.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara, Kunio (JP 63089925) in view of Scott et al (US 5,343,487).

Uehara, Kunio discloses in the abstract the use of a semiconductor laser but is silent as to the laser being a VCSEL, however VCSEL are semiconductor laser.

Therefore, it would have been obvious to use any of the well known semiconductor laser as described by Scott et al in the module of Uehara Kunio because it will provide a light beam for monitoring.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARMANDO RODRIGUEZ whose telephone number is 571-272-1952. The examiner can normally be reached on 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


ARMANDO RODRIGUEZ
Primary Examiner
Art Unit 2828

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